

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re: ZYPREXA PRODUCTS LIABILITY
LITIGATION

UFCW LOCAL 1776 AND PARTICIPATING
EMPLOYERS HEALTH AND WELFARE
FUND,

Plaintiff,

– against –

ELI LILLY & COMPANY,

Defendant.

LOCAL 28 SHEET METAL WORKERS,

Plaintiff,

– against –

ELI LILLY & COMPANY,

Defendant.

MID-WEST NATIONAL LIFE INSURANCE
CO. OF TENNESSEE ,

Plaintiff,

– against –

ELI LILLY & COMPANY,

Defendant.

SERGEANTS BENEVOLENT
ASSOCIATION HEALTH AND WELFARE
FUND,

Plaintiff,

– against –

ORDER OF DISMISSAL

04-MD-1596

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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BROOKLYN OFFICE

06-CV-0021
11-CV-5677

05-CV-2948
11-CV-5675

06-CV-6322
11-CV-5678

ELI LILLY & COMPANY,

Defendant.

AFSCME DISTRICT COUNCIL 37,

Plaintiff,

– against –

ELI LILLY & COMPANY,

Defendant.

UNITED FEDERATION OF TEACHERS
WELFARE FUND,

Plaintiff,

– against –

ELI LILLY & COMPANY,

Defendant.

11-CV-5679

11-CV-5680

JACK B. WEINSTEIN, United States District Judge:

All claims in the Zyprexa purchase claims litigation, also sometimes referred to as the “third-party payor claims,” are dismissed on consent.

The six named plaintiffs, Sergeants Benevolent Association Health and Welfare Fund, UFCW Local 1776 and Participating Employers Health and Welfare Fund, Mid-West National Life Insurance Company of Tennessee, Local 28 Sheet Metal Workers Union, AFSCME District Council 37 Health and Security Plan, and United Federation of Teachers Welfare Fund, and the defendant have entered into a settlement agreement.

All parties expressly waive any rights of appeal.

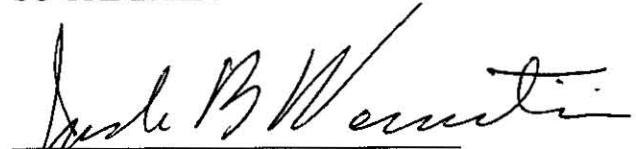
Co-lead counsel shall have the discretion to allocate any recovery of fees and expenses among counsel in general conformance with the arrangement outlined on December 19, 2011, at a hearing in this court. *See Order with Attachments, UFCW Local 1776 and Participating Employers Health and Welfare Fund et al. v. Eli Lilly & Co., 05-CV-4115, 11-CV-5676 (E.D.N.Y. Dec. 30, 2011), CM/ECF No. 287.*

After hearings and an opportunity for any objection, the court has considered the settlement and proposed allocations. They appear to be fair and reasonable. The class members in the previously-certified class have been adequately consulted and protected.

All counsel have acted in a highly professional manner. There is no basis for finding—and not the slightest hint of—any collusion.

Dismissed are all the claims of plaintiffs in these actions with prejudice. Each party shall bear its own costs.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Date: January 12, 2012
Brooklyn, New York